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Attorneys for Defendant and Counterclaimant City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners (Port of Oakland)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF OAKLAND,

Defendant.

Case No. 3:24-cv-02311-TSH

DECLARATION OF PIOTR ROLEK

Date: November 7, 2024
Time: 10:00 AM
Courtroom: E – 15th Floor
Trial Date: (None Set)

CITY OF OAKLAND, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF PORT COMMISSIONERS (PORT OF OAKLAND),

Counterclaimant,

v.

CITY AND COUNTY OF SAN FRANCISCO,

Counterclaim Defendant.

I, Piotr Rolek, declare as follows:

1. I am over the age of 18 and am competent to testify. I make this declaration based upon personal knowledge unless otherwise stated herein.

2. I am Piotr Rolek, the Senior Director of Schedule Planning and Distribution for Spirit Airlines, Inc. ("Spirit").

3. In my role as Senior Director of Schedule Planning and Distribution, I am familiar with Spirit, how Spirit displays flight information to passengers and for its ticket sales, and with commercial air travel more broadly.

4. Spirit is a leading low-fare cost carrier founded in 1983 and is committed to offering its guests accessible air travel so they can travel "more places, more often."

5. Spirit provides flights across the United States, Latin America, and the Caribbean. In the continental U.S., Spirit offers travelers flights to over 50 locations.

6. Spirit destinations include flights to major metropolitan areas and regions that are served by more than one airport. For example, Spirit serves Newark Liberty International Airport (EWR) and LaGuardia Airport (LGA) in the New York City Area, Austin-Bergstorm International Airport (AUS) and San Antonio International Airport (SAT) in Central Texas, Atlantic City International Airport (ACY) and Philadelphia International Airport (PHL) in the Philadelphia Area, Arnold Palmer Regional Airport (LBE) and Pittsburg International Airport

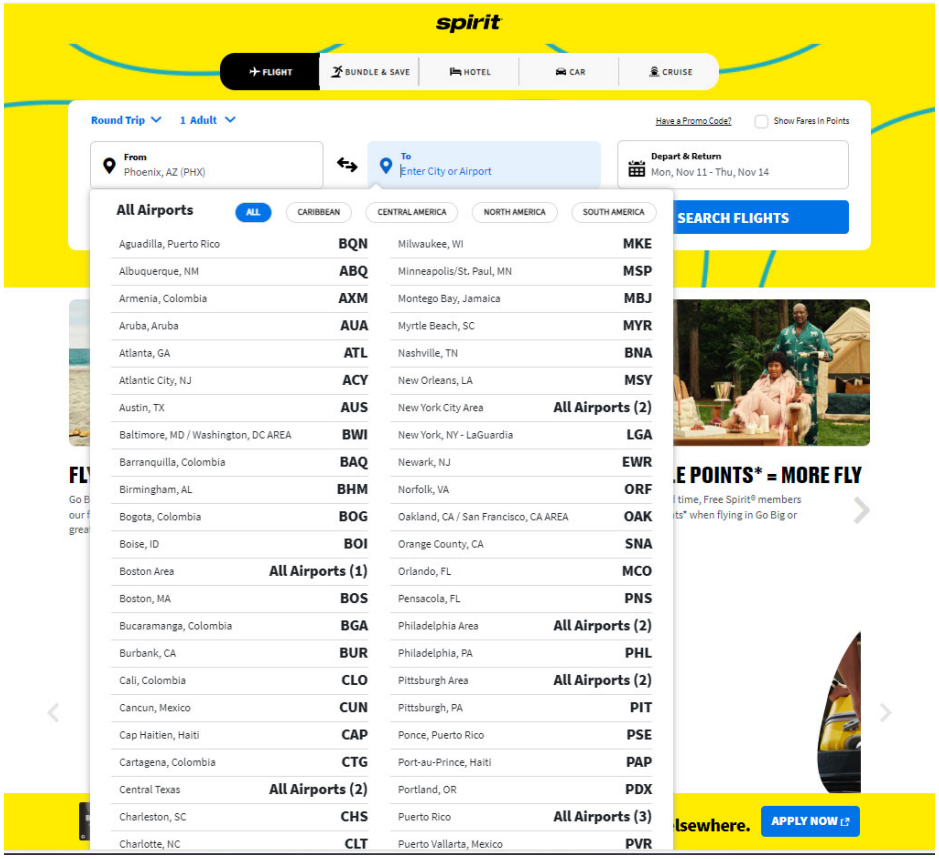
(PIT) in the Pittsburgh Area, Fort Lauderdale-Hollywood Airport (FLL) and Miami International Airport (MIA) in the Miami Area, three airports in the Los Angeles Area - Los Angeles International Airport (LAX), Hollywood Burbank Airport (BUR), and John Wayne Airport (SNA), and two airports in the San Francisco Bay Area – San Francisco Bay Oakland International Airport (OAK) and San Jose Mineta International Airport (SJC).

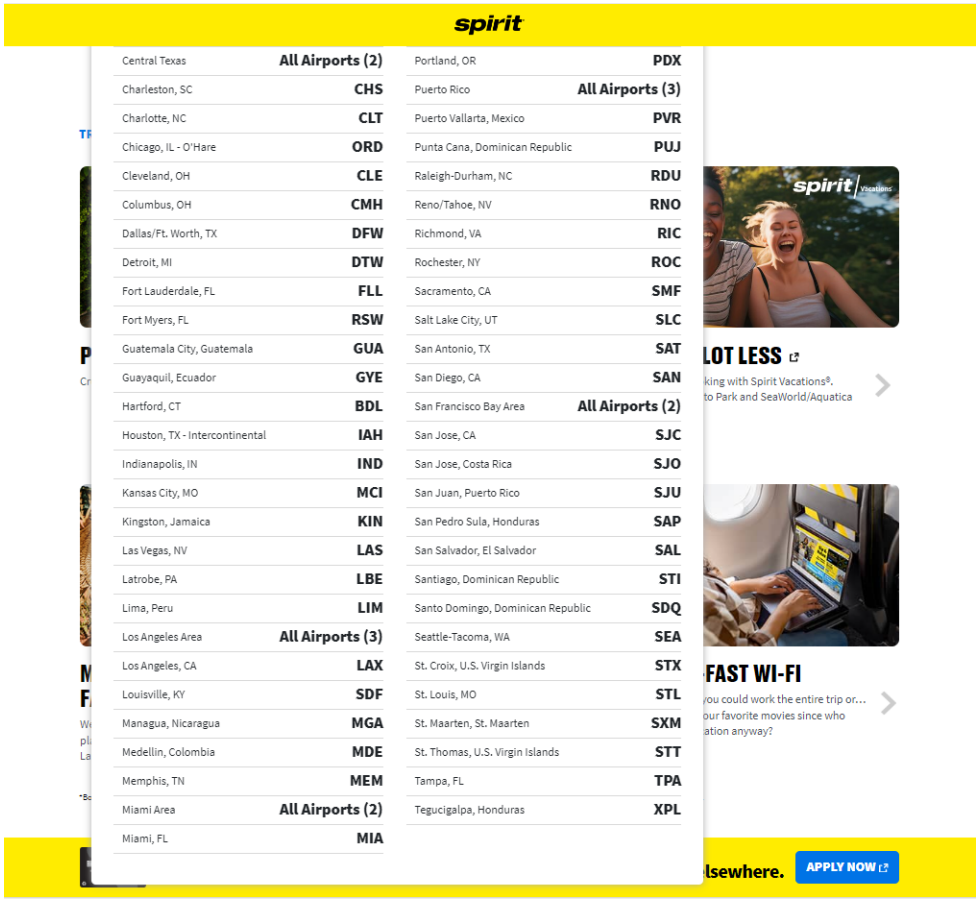
7. Tickets may be purchased directly from Spirit online, through the Spirit mobile application ("App"), over the phone with a Spirit representative, at a Spirit ticket counter, or through online travel agents and other flight aggregator websites.

8. Spirit's main Website is located at https://www.spirit.com/ ("Website").

9. When a city, metropolitan area, region, or an airport's IATA (International Air Transport Association) code is typed into the "From" or "To" search boxes on Spirit's Website, the display shown lists the city in which the airport is located and the airport's IATA code.

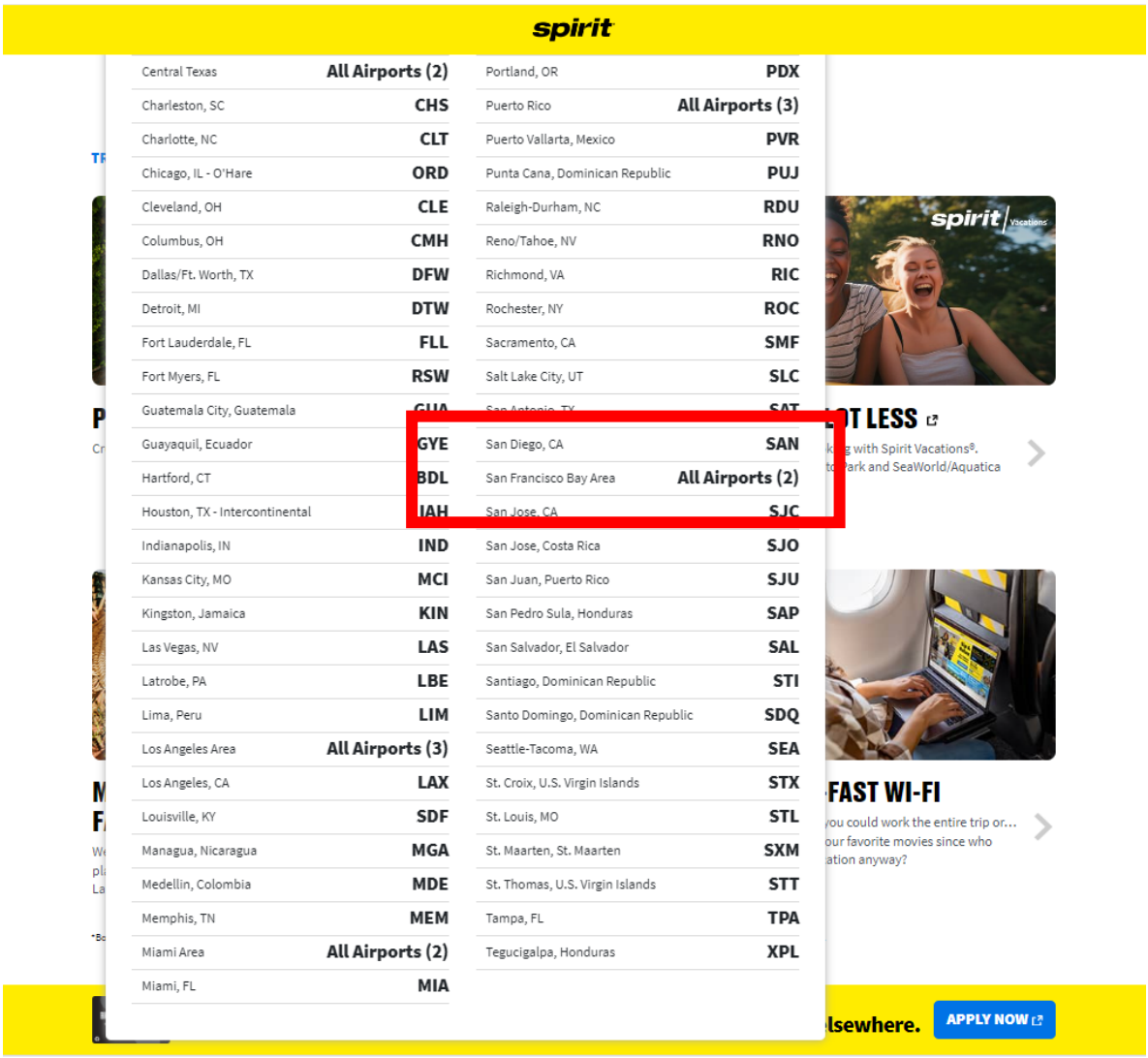
10. Consumers searching for flight options on Spirit's Website may use a drop down tool that allows them to identify airports by IATA code as well as the area served. Spirit does not identify airports by their full legal names nor is it industry standard practice to display airport locations for ticket purchases by using the full airport name and no other identifier. Spirit's practice of displaying only the IATA code and the area served is consistent with the practices of other airlines serving same or similar markets, which a cursory review of such other airline's websites will demonstrate. Below are true and accurate screenshots of the full drop down tool displayed by Spirit when the "From" box is clicked to display airport locations from which Spirit flies.


spirit
FLIGHT
BUNDLE & SAVE
HOTEL
CAR
CRUISE
Round Trip
1 Adult
Have a Promo Code?
Show Fares In Points
From
Phoenix, AZ (PHX)
To
Enter City or Airport
Depart & Return
Mon, Nov 11 - Thu, Nov 14
SEARCH FLIGHTS
All Airports
ALL
CARIBBEAN
CENTRAL AMERICA
NORTH AMERICA
SOUTH AMERICA
Aguadilla, Puerto Rico BQN
Albuquerque, NM ABQ
Armenia, Colombia AXM
Aruba, Aruba AUA
Atlanta, GA ATL
Atlantic City, NJ ACY
Austin, TX AUS
Baltimore, MD / Washington, DC AREA BWI
Barranquilla, Colombia BAQ
Birmingham, AL BHM
Bogota, Colombia BOG
Boise, ID BOI
Boston Area All Airports (1)
Boston, MA BOS
Bucaramanga, Colombia BGA
Burbank, CA BUR
Cali, Colombia CLO
Cancun, Mexico CUN
Cap Haitien, Haiti CAP
Cartagena, Colombia CTG
Central Texas All Airports (2)
Charleston, SC CHS
Charlotte, NC CLT
Milwaukee, WI MKE
Minneapolis/St. Paul, MN MSP
Montego Bay, Jamaica MBJ
Myrtle Beach, SC MYR
Nashville, TN BNA
New Orleans, LA MSY
New York City Area All Airports (2)
New York, NY - LaGuardia LGA
Newark, NJ EWR
Norfolk, VA ORF
Oakland, CA / San Francisco, CA AREA OAK
Orange County, CA SNA
Orlando, FL MCO
Pensacola, FL PNS
Philadelphia Area All Airports (2)
Philadelphia, PA PHL
Pittsburgh Area All Airports (2)
Pittsburgh, PA PIT
Ponce, Puerto Rico PSE
Port-au-Prince, Haiti PAP
Portland, OR PDX
Puerto Rico All Airports (3)
Puerto Vallarta, Mexico PVR
E POINTS* = MORE FLY
time, Free Spirit® members
ts* when flying in Go Big or
lsewhere.
APPLY NOW

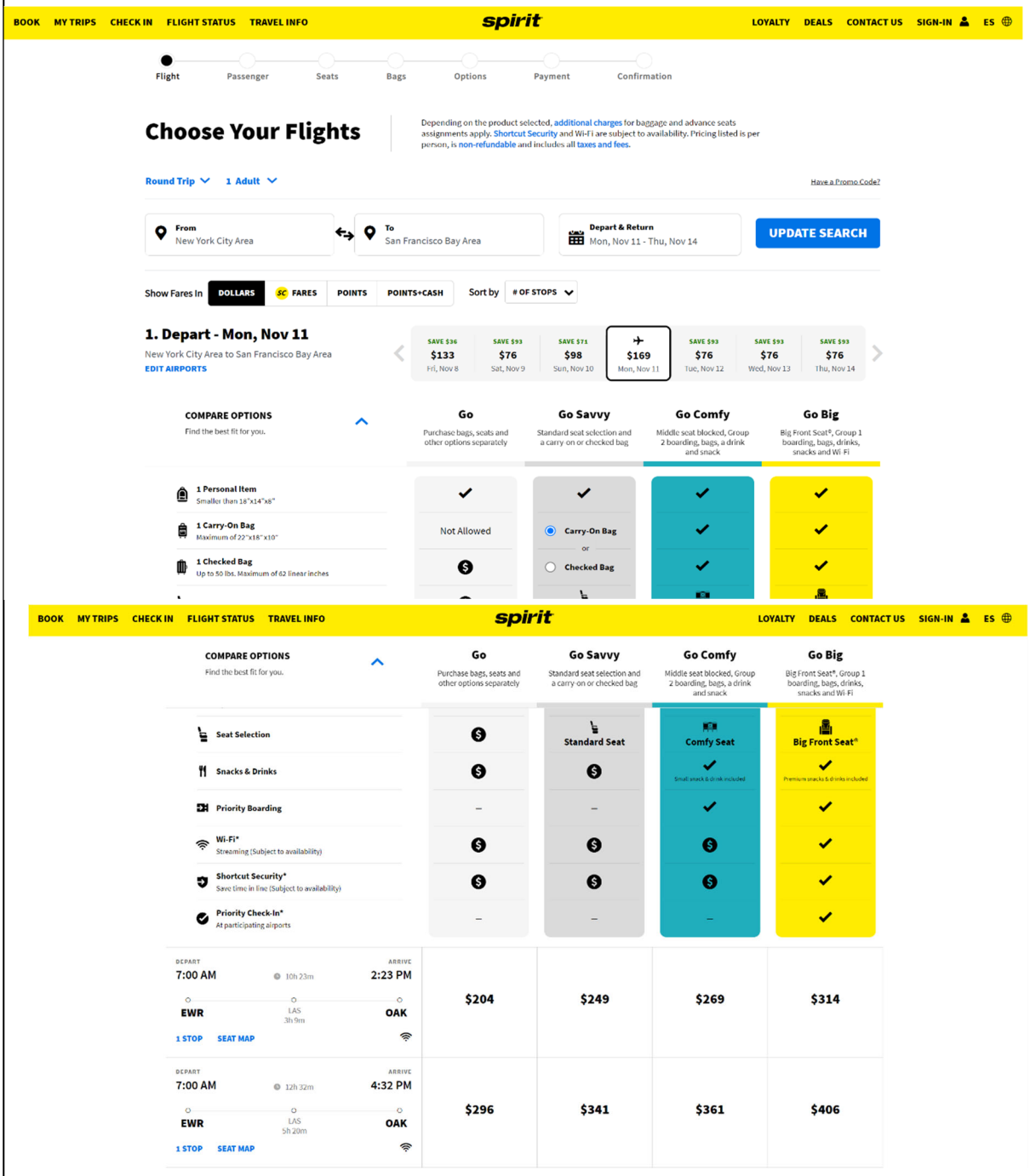

spirit
Central Texas All Airports (2)
Charleston, SC CHS
Charlotte, NC CLT
Chicago, IL - O'Hare ORD
Cleveland, OH CLE
Columbus, OH CMH
Dallas/Ft. Worth, TX DFW
Detroit, MI DTW
Fort Lauderdale, FL FLL
Fort Myers, FL RSW
Guatemala City, Guatemala GUA
Guayaquil, Ecuador GYE
Hartford, CT BDL
Houston, TX - Intercontinental IAH
Indianapolis, IN IND
Kansas City, MO MCI
Kingston, Jamaica KIN
Las Vegas, NV LAS
Latrobe, PA LBE
Lima, Peru LIM
Los Angeles Area All Airports (3)
Los Angeles, CA LAX
Louisville, KY SDF
Managua, Nicaragua MGA
Medellin, Colombia MDE
Memphis, TN MEM
Miami Area All Airports (2)
Miami, FL MIA
Portland, OR PDX
Puerto Rico All Airports (3)
Puerto Vallarta, Mexico PVR
Punta Cana, Dominican Republic PUJ
Raleigh-Durham, NC RDU
Reno/Tahoe, NV RNO
Richmond, VA RIC
Rochester, NY ROC
Sacramento, CA SMF
Salt Lake City, UT SLC
San Antonio, TX SAT
San Diego, CA SAN
San Francisco Bay Area All Airports (2)
San Jose, CA SJC
San Jose, Costa Rica SJO
San Juan, Puerto Rico SJU
San Pedro Sula, Honduras SAP
San Salvador, El Salvador SAL
Santiago, Dominican Republic STI
Santo Domingo, Dominican Republic SDQ
Seattle-Tacoma, WA SEA
St. Croix, U.S. Virgin Islands STX
St. Louis, MO STL
St. Maarten, St. Maarten SXM
St. Thomas, U.S. Virgin Islands STT
Tampa, FL TPA
Tegucigalpa, Honduras XPL
LOT LESS
king with Spirit Vacations®,
to Park and SeaWorld/Aquatica
FAST WI-FI
ou could work the entire trip or...
our favorite movies since who
ation anyway?
lsewhere.
APPLY NOW

11. Consistent with standard industry practice, Spirit groups airports within the same "area" for its flight search display when those airports serve the same major metropolitan area or region indicated.

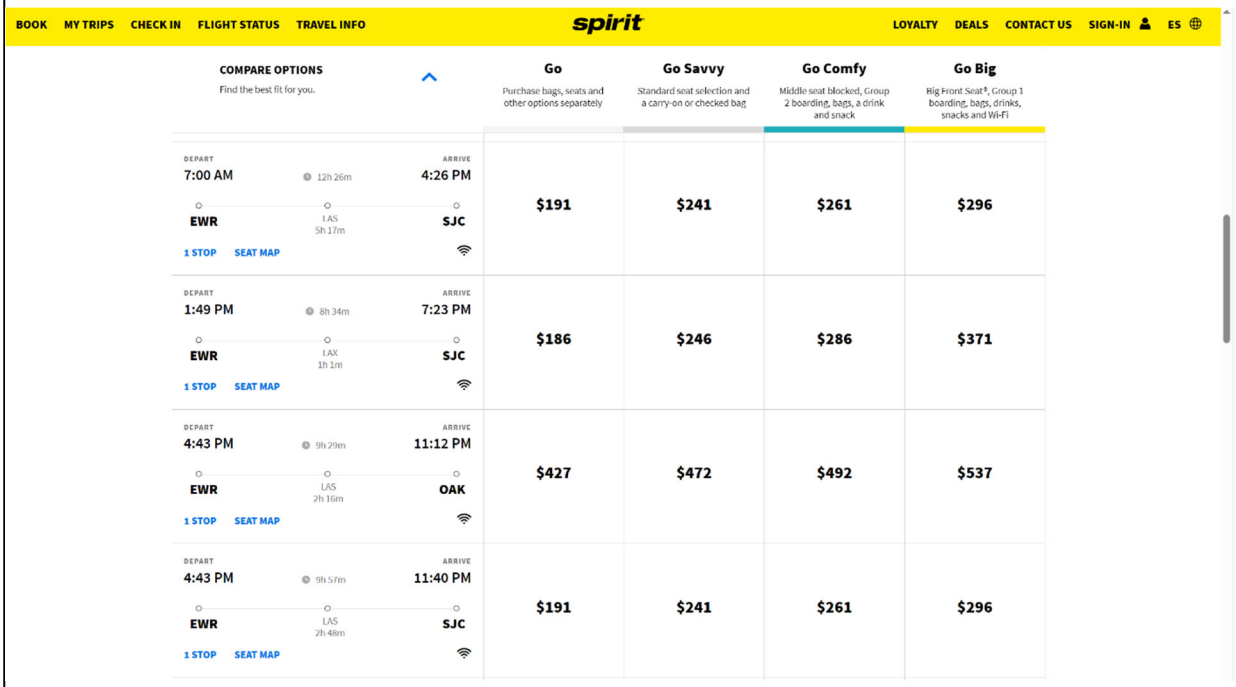
12. In this regard, the two airports that Spirit serves in the Bay Area – San Jose Mineta International Airport (SJC) and San Francisco Bay Oakland International Airport (OAK) – are grouped together within the same "area" entitled "San Francisco Bay Area." Below is a true and accurate screenshot of "San Francisco Bay Area" appearing as an option in Spirit's drop down tool for flight searches, except that a red text box has been added to identify the "San Francisco Bay Area" portion of the menu:



13. As demonstrated in the following accurate screenshots, if "San Francisco Bay Area" airports is clicked in the drop down tool, the following results would be shown[1]:



[1] For brevity, Spirit's screenshots display only the top six results. However, all results appear in the same format as shown in the three screenshots provided.

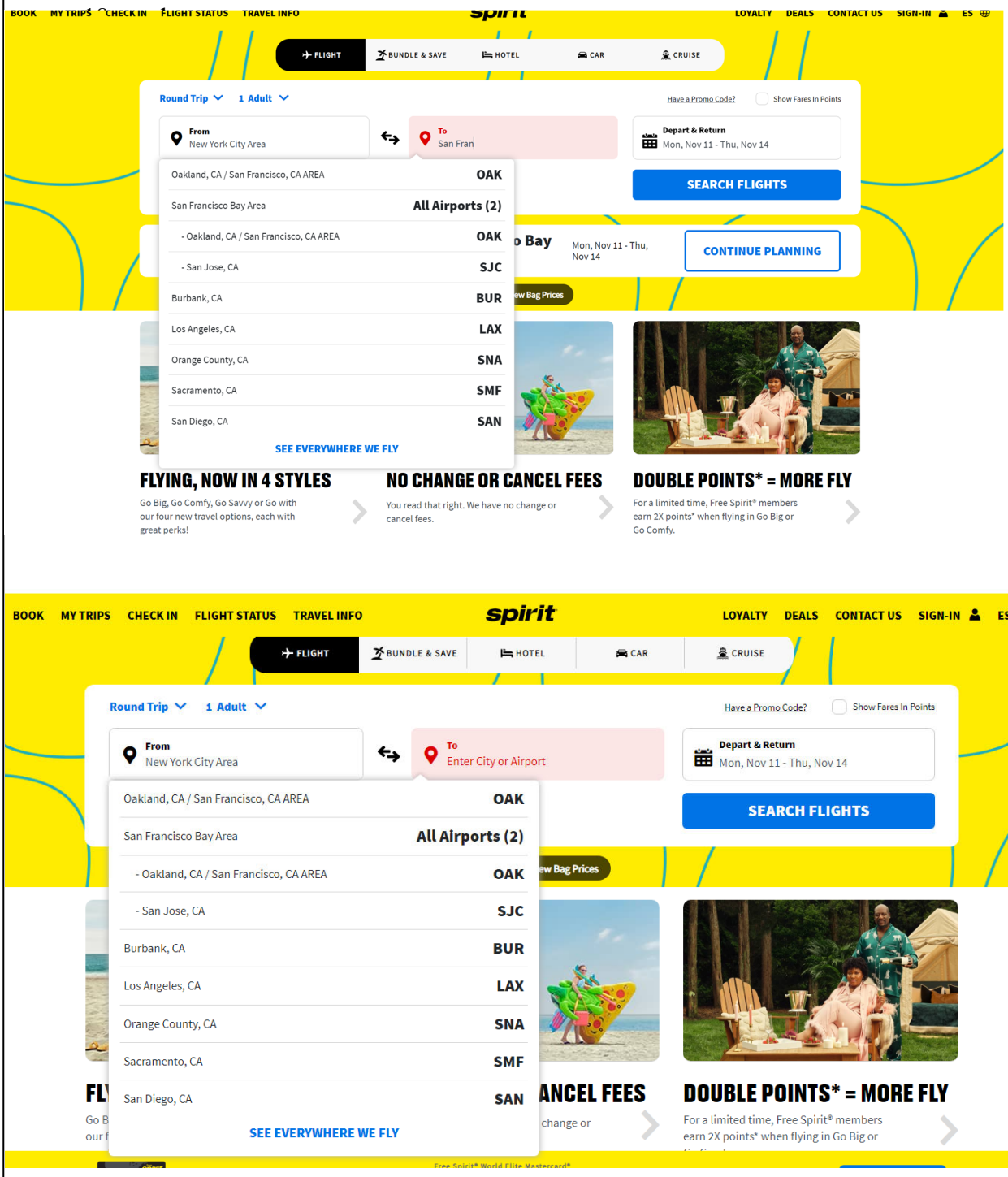


14. The departure and arrival airport options in Spirit's results page are identified using the airport's IATA code.

15. Unlike the drop-down tool which also includes city information, on the results page, Spirit identifies San Francisco Bay Area airports solely by their IATA code.

16. An airport's full legal name is not displayed in Spirit's search display for "To" or "From" or on the results page.

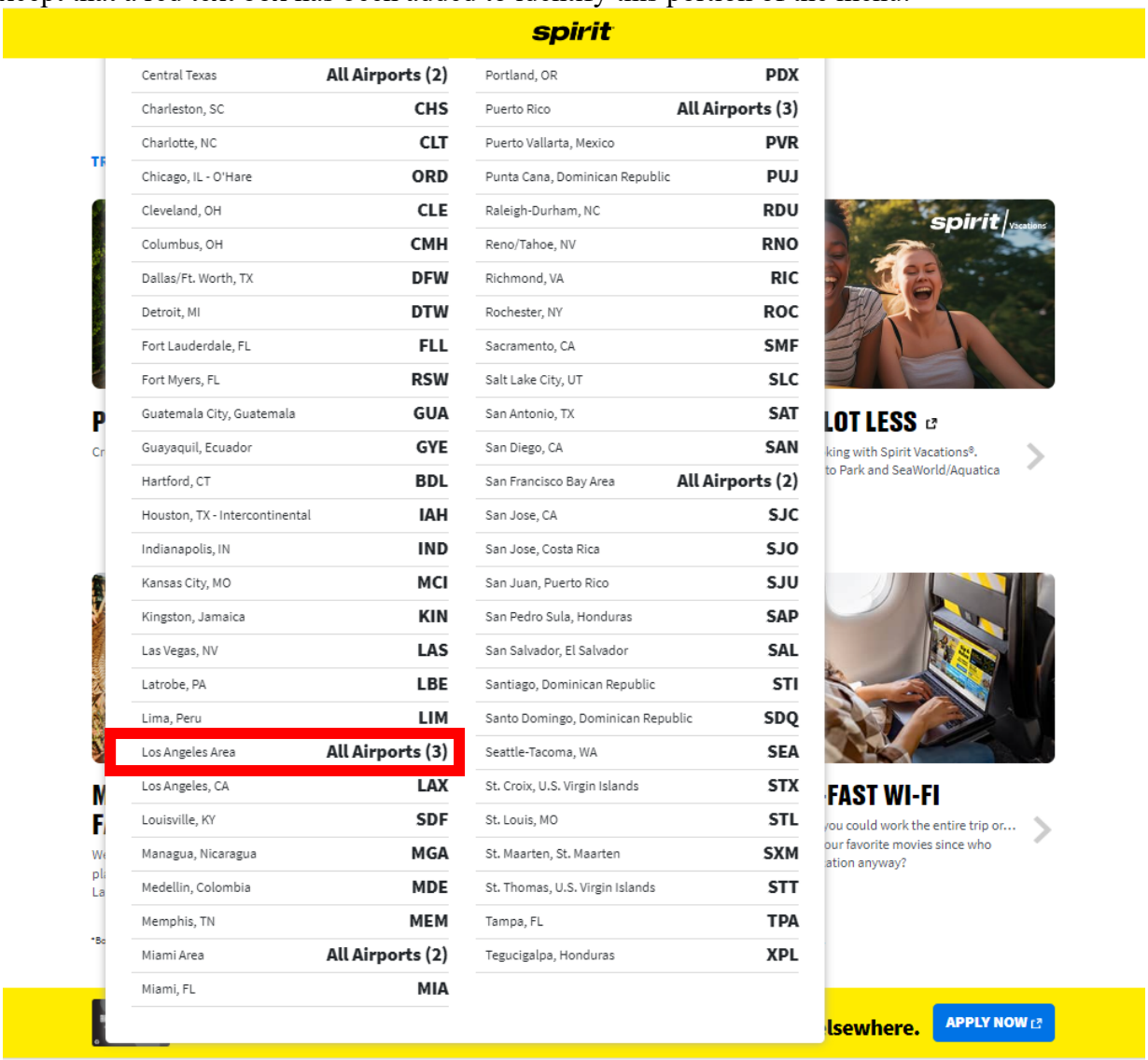
17. Consumers can also conduct key word searches in the "To" and "From" boxes on Spirit's Website. By way of example, the following is an accurate screenshot of what a consumer searching for flights from the New York City Area would see if they enter "San Fran" into the "To" box:



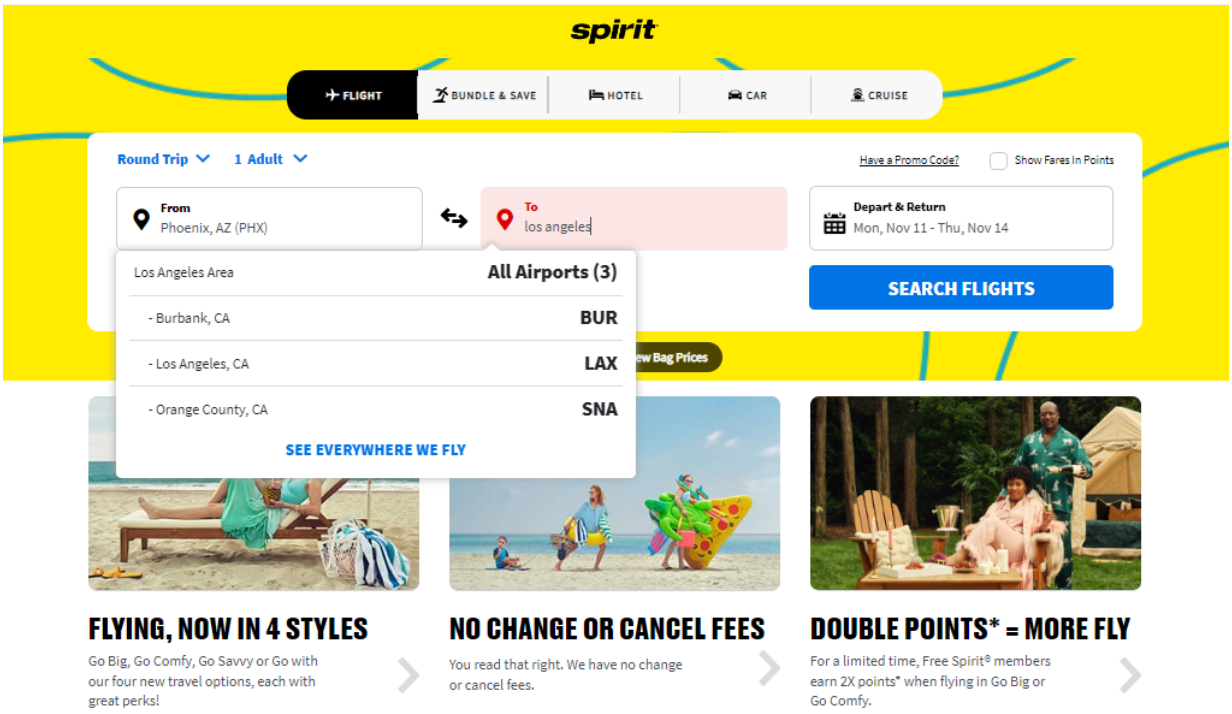
19. Consumers would see the same airports – OAK and SJC – if they searched "San Fran" in the "From" box.

20. As another example of how Spirit's Website displays flight search results when multiple airports serve more than one metropolitan area or region, Spirit serves three airports in

the Los Angeles area: Los Angeles International Airport (LAX), Hollywood Burbank Airport (BUR), and John Wayne Airport (SNA). Those airports are grouped together for the "area" entitled "Los Angeles Area" on its search function. Below is a true and accurate screenshot of "Los Angeles Area" appearing as an option in Spirit's drop-down tool for flight searches, except that a red text box has been added to identify this portion of the menu:

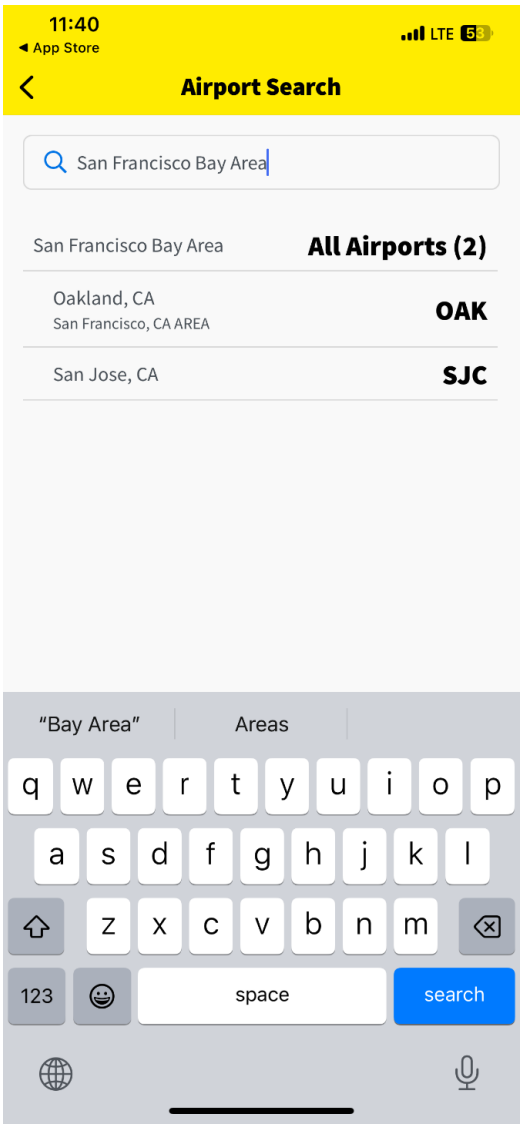


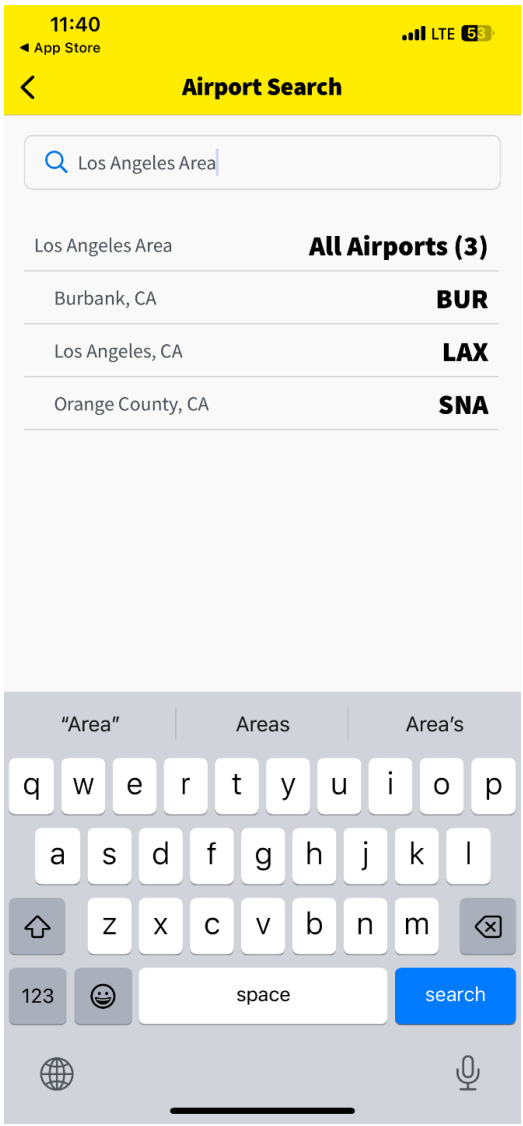
21. If the term "los angeles" is typed into the search function, Spirit's Website displays options for the Los Angeles Area as including LAX, BUR, and SNA. Below is a true and accurate screenshot of a search using "los angeles" on Spirit's Website.



22. Likewise, Spirit's App search displays airport IATA codes, city information, and metropolitan or regional areas – not full airport names.

23. For example, below is an accurate depiction of the information displayed on Spirit's App when "San Francisco Bay Area" is entered, and when "Los Angeles Area" is entered.





24. It is industry standard to use an airport's IATA code to identify the airport in the information displayed to consumers and passengers.

25. The airport's IATA code is also shown on Spirit's electronic and printed reservations for its flights.

26. It is industry standard to use the commonly referred to area name when referring to airports that service the particular area. As an example, it is known that San Jose Mineta International Airport (SJC) and San Francisco Bay Oakland International Airport (OAK) are both located in the area commonly known as and entitled the "San Francisco Bay Area".

Accordingly, when a consumer is searching for airports in the San Francisco Bay Area both OAK and SJC will appear as options to the consumers searching for flights in the area.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7TH day of October, 2024 at HOLLYWOOD, FLORIDA

Piotr Rolek